

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN DIEKMAN : CIVIL ACTION
:
vs. :
: NO. 02-4681
ENERGY CHOICE MARKETING, INC. :
SHAI FISHMAN, S & D MARKETING :
INC., and CONSUMER CHOICE, INC. :

ORDER

AND NOW, this day of November, 2002, upon
consideration of the Motions of Defendants Shai Fishman and S & D
Marketing, Inc. to Dismiss the Plaintiff's Complaint and it
appearing to the Court that an Amended Complaint has since been
filed, it is hereby ORDERED that the Motions to Dismiss are
DENIED as MOOT.

BY THE COURT:

J. CURTIS JOYNER, J.